

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMES L. BROOKS,

Plaintiff

v.

RENO POLICE DEPT.,

Defendant

Case No. 2:23-cv-00757-JAD-DJA

ORDER

I. DISCUSSION

On May 15, 2023, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted an application to proceed *in forma pauperis* (ECF No. 2), but did not submit a complaint.

Under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. As such, the Court grants Plaintiff a one-time opportunity until **June 16, 2023**, to submit a complaint to this Court.

If Plaintiff is unable to file a complaint on or before **June 16, 2023**, this case will be subject to dismissal without prejudice for Plaintiff to file a new case with the Court when Plaintiff is able to file a complaint. A dismissal without prejudice means Plaintiff does not give up the right to refile the case with the Court, under a new case number, when Plaintiff is able to file a complaint.

II. CONCLUSION

For the foregoing reasons, it is ordered that Plaintiff submit a complaint to this Court on or before **June 16, 2023**.

It is further ordered that the Clerk of the Court will send to Plaintiff the approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same.

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1 It is further ordered that, if Plaintiff does not file a complaint on or before **June 16,**
2 **2023**, this case will be subject to dismissal without prejudice for Plaintiff to refile the case
3 with the Court, under a new case number, when Plaintiff is able to file a complaint.

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5 DATED: May 18, 2023

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8 UNITED STATES MAGISTRATE JUDGE
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